PTO/SB/21 (08-03) Approved for use through 08/30/2003. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE der the Paperwork Reduction Act of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number. **Application Number** 10/634,209 TRANSMITTAL Filing Date August 5, 2003 **FORM** First Named Inventor Daniel Hunter Stone Art Unit (to be used for all correspondence after initial filing) 3617 **Examiner Name** Attorney Docket Number 1739/29(b) Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication Fee Transmittal Form Drawing(s) to Technology Center (TC) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC • **Preliminary Amendment** (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Terminal Disclaimer Extension of Time Request Identify below): Fee Determination Record Request for Refund **Express Abandonment Request** CD, Number of CD(s) Information Disclosure Statement Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Jack C. Sloan, Esq. Individual name Carson Sloar Signature Date Xpfil 29, 2004 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Express # ER 824854796 US Typed or printed name Jack & Sloan - 26,806 Date Signature April 29, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confide fulfility is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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04-30-04



Docket No. 1739/29(b)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application of

Daniel Hunter Stone et al.

Serial No.: 10/634,209

Filed: August 5, 2003

For: RAILWAY WHEELS RESISTANT TO

MARTENSITE TRANSFORMATION

Group Art Unit: 3617

Examiner:

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áck C. Sloan, Reg. No. 26,606

## SECOND PRELIMINARY AMENDMENT

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

Prior to the first Office Action, please amend the above-identified application as follows: